REMARKS

Claims 1-6, 8, 10, 15-23 and 25-35 are pending in the application. Claim 1 is currently amended. Claims 2-6, 8, 10, 15-23 and 25-35 were previously presented, and claims 7, 9, 11-14 and 24 were previously canceled.

No new matter has been introduced by virtue of the amendments made herein. Accordingly, applicants respectfully request their entry. In view of the amendments made herein and the remarks below, applicants respectfully request reconsideration and withdrawal of the rejection set forth in the October 20, 2005 Office Action.

Obviousness-Type Double Patenting Rejection

The Examiner maintained the provisional rejection of claims 1-6, 8, 10, 15-19, 22, 25-28 and 30-35 under obviousness-type double-patenting as being allegedly unpatentable over claims 1-34 of copending Application No. 10/348,381.

In response, applicant's note that it is applicant's intent to allow copending Application No. 10/348,381 to become abandoned, as the Final Action for this application was mailed May 5, 2005, over 6 months ago. Accordingly, this provisional rejection is moot and applicants respectfully request withdrawal of this provisional rejection.

The Examiner also maintained the provisional rejection of claims 1-6, 8, 10, 15-19, 22, 25-28 and 30-35 under obviousness-type double-patenting as being allegedly unpatentable over claims 1-34 of copending Application No. 10/348,399. The Examiner seems to base this provisional rejection on contention that the active ingredients of non-benzodiazepine anxiolytics can also be considered a muscarinic agonist or an amyloid aggregation inhibitor.

Applicants respectfully disagree. Applicants are not aware of any muscarinic agonists or amyloid aggregation inhibitors which are also considered in the art to be non-benzodiazepine anxiolytics. Applicants respectfully request the Examiner to cite the reference which was used to come to this conclusion as applicants respectfully submit that such a contention by the Examiner is insufficient to maintain a provisional rejection with absent some form of evidentiary support.

Accordingly, applicants respectfully request the withdrawal of the provisional rejection of claims 1-6, 8, 10, 15-19, 22, 25-28 and 30-35 under obviousness-type double-patenting as being allegedly unpatentable over claims 1-34 of copending Application No. 10/348,399.

Rejection under 35 USC § 112, First Paragraph

The Examiner rejected claims 1-6, 8, 10, 15-23 and 25-35 under 35 USC § 112, first paragraph as allegedly containing new matter because of the addition of the term "estrogen" to the genus "estrogen-like agent" recited in the specification.

Applicants respectfully disagree with the Examiner. Applicants submit that estrogen is known in the art and that it is clear to one skilled in the art that the species "estrogen" is implicitly included in the genus "estrogen-like agent" by virtue of the fact that the genus' name is by itself,

descriptive of the species. Therefore, applicants submit the addition of the term "estrogen" is not new matter.

Nonetheless, solely in the interests of facilitating prosecution, applicants have amended claim 1 to delete the terms which the Examiner contends is new matter, without prejudice.

In view of the amendments set forth herein and remarks above, applicants respectfully submit that the pending claims are fully allowable, and solicit the issuance of a notice to such effect. If a telephone interview is deemed to be helpful to expedite the prosecution of the subject application, the Examiner is invited to contact applicants' undersigned attorney at the telephone number provided.

The Commissioner is hereby authorized to charge any fees required under 37 C.F.R. §§1.16 and 1.17 or to credit any overpayment to Deposit Account No. 16-1445.

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